IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.493 OF 2006

Mrs.Asha M. Agarwal ....Appellant
V/s.
Pune Municipal Corporation, Pune ....Respondent

Mr.D.B. Lonkar for the Appellant.

Mr.R.G. Ketkar for the Respondent.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH AUGUST, 2007.

P.C. :

1. No question of law arises in this Second Appeal. In fact, prima-facie, it appears that the order of status-quo may have been mis-used by the Appellant. Both the Courts below have on appreciation of facts come to the conclusion that the Respondent demolished only the unauthorized construction and that even thereafter the Appellant tried to put up other unauthorized construction. Both the Courts below also held on appreciation of all facts and circumstances that there was no apprehension that the Respondent would carry out any illegal demolition.

2. Hence the Second Appeal is dismissed. No further construction of any nature whatsoever shall be

carried out by the Appellant without obtaining specific permission for the same from the Respondent.

3. Needless to say that if any construction has been put up during the pendency of the proceedings before the Courts below or before this Court contrary to law, the Respondent shall be entitled to deal with the same in accordance with law.